IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.733 OF 2005

Mrs.Sandhya Suresh Karanjekar & Ors. ..Appellants

Versus

Smt.Ranjana Daulatrao Patil ..Respondent

Mr.A.A.Kumbhakoni with Mr.A.M.Kulkarni for appellants

Mr.V.S.Gokhale for respondent no.1

CORAM : P.V.KAKADE, J.

DATE : 2ND AUGUST, 2005.

P.C.:

1. This appeal preferred by the appellants against the judgment and order passed by Addl. District Judge, Kolhapur dated 13.4.2005 dismissing the appeal and confirming the judgment and order passed by Civil Judge, Junior Division, Kolhapur decreeing the suit for declaration and injunction.

2. I have heard the learned counsel for both the parties. Perused the record.

3. The plaintiff filed the suit for declaration and perpetual injunction against the defendants basically on the foundation of the release deed executed in favour of the parties. The facts disclosed that one late Rajaram Babaji Patil was holding various properties including the suit properties and he had son viz. Daulatrao, who was the husband of the plaintiff. Rajaram died in the year 1983. The said Daulatrao also died in 1995. The defendant nos.1 5o 5 are the daughters of said RAjaram and sisters of late Daulatrao. They were married and residing at their respective matrimonial home. It was the case of the plaintiff that Rajaram’s son Daulatrao was looking after all the properties and plaintiff was also helping him. It is the case of the plaintiff that she is in possession, cultivation and enjoyment of the suit properties as well as other property and the defendant shave no nexus in the suit property as they are residing at their matrimonial homes. During the life time of Daulatrao, the defendants executed some document in favour of Daulatrao and agreed that he would not have any right, title and interests in the suit

preterites as well as other properties in favour of the plaintiff as well as three daughters. When the plaintiff applied for mutation of her name in the revenue record regarding the suit property, the defendants raised objections and hence the cause of action arose to file the present suit. The defendants contested the suit submitting that the allegations made by the plaintiff were not correct and they are entitled to the suit properties.

. The learned trial court adjudicated the dispute on merits and came to the conclusion that the plaintiff had proved her possession in the suit property as well as fact that the defendants executed the release deed in favour of the plaintiff and thereby relinquished their rights, title and interest in the suit properties. However, it was held that the plaintiff was not the exclusive owner of the suit property and further it was held that the defendants were obstructing possession of the plaintiff over the suit property and suit came to be decreed in part. The appeal was carried to the District Court. The Addl. District Judge after hearing both the parties came to the conclusion that the findings recorded by the learned trial court were legal and

proper and therefore, appeal came to be dismissed. Hence the present Appeal.

4. At the outset it may be noted that there is no substantial question of law involved in this appeal. The record shows that the only question involved in the dispute is the interpretation of the document of release deed of the suit property executed by the defendants. The various contentions were raised on behalf of the defendants, however, both the courts below are seen to have appreciated the factual aspect of the evidence in proper perspective and therefore, there is absolutely no ground to disturb the said findings holding that the deed of relinquishment is duly proved and hence the plaintiff’s suit deserves to be decreed.

5. In the result there is no substance in the appeal and hence the appeal stands dismissed.

. Consequently Civil Application No.1246 of 2005 is also stands dismissed.